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SYNOPSIS OF THE "SOLDIERS' AND SAILORS' CIVIL RELIEF ACT."*("Moratorium Law")*

*Approved March 8, 1918.***INTRODUCTION.**

The Nation's call to arms, with its consequent response, removed nearly two million men from their homes and accustomed walks of life. As might be expected, the vast majority of these men had to leave with their business and personal affairs in a more or less unsettled condition. Added to this, the possibility of judgments by default, and other one-sided legal proceedings, forfeiture of insurance policies, eviction of loved ones for unpaid rent, foreclosure of mortgages and installment contracts, loss of property to "land-grabbers" through delinquent taxes, and any number of opportunities for fraudulent action by unscrupulous persons taking advantage of his absence, was such a potential source of worry as to distract the thought and weaken the determination of the very strongest hearted soldier, to say nothing of the average.

Recognizing the important relationship between the morale of its soldiers and the winning of the war, and fully mindful of its moral responsibility for the welfare of those who had offered themselves in its defense, the government put into operation the most liberal system of aid—in life and death—by the War Risk Insurance, Allotment and Allowance Law. And now the final link has been forged in the great chain of protection around the soldier and his loved ones by the passage and approval, March 8, 1918, of the "Soldiers' and Sailors' Civil Relief Act," more commonly known as the "Moratorium Law." By this law, the soldier is practically assured that he shall not suffer any property loss, nor undergo any prejudice to his right, or those of his dependents, on account of his inability to meet his obligations during the period of his military service in the present war.

The outstanding features of this Act are the provisions for:

- (1) Stay or postponement of any civil suit or other similar legal proceedings against one in active "Military" Service (Army, Navy, Marines, etc.).

- (2) Reopening or setting aside any such proceedings which, for any reason, were not stayed originally.
- (3) The reimbursement, through court bond, of the "Soldier" (term used to typify one in military service) for any loss suffered by reason of any such proceedings which were allowed during his absence in the military service.
- (4) Postponement of payments due from soldier under rent, installment contracts, and mortgages, originating prior to approval of this Act (March 8, 1918), and prohibition of distress, eviction, or foreclosure.
- (5) Protection of soldier's life insurance policies from lapse or forfeiture on account of non-payment of premiums during period of military service and one year thereafter.
- (6) Preventing sale of soldier's real estate for delinquent taxes, or assessment of any penalty thereon.
- (7) Non-forfeiture of any soldier's "Homestead" or initial rights thereto, acquired under Government Public Lands Laws.
- (8) Heavy punishment and penalties for any who disregard or violate soldiers' rights under this Act.

OUTLINE.

The Act is divided into six main divisions, Articles one to six, inclusive, which deal with the following:

Article I	General Provisions,
Article II	General Relief,
Article III	Rent, Installment Contracts, Mortgages,
Article IV	Insurance.
Article V	Taxes and Public Lands,
Article VI	Administrative Remedies.

IN GENERAL.

Definition.

Moratorium—A period during which, because of war or other emergency, the right to enforce commercial obligations of persons in military service is temporarily suspended. In due considera-

tion of the rights of the people as a whole, a proper moratorium law—such as this one—does not contemplate the cancellation of any just debt or obligation, but rather provides a postponement of time of payment until the soldier has been relieved of his military duties.

HEADING OF ACT.

"To extend protection to the members of the military and naval establishments of the United States engaged in the present war."

ARTICLE I.

PURPOSE.

Sec. 100. "* * * protection is hereby extended to persons in military service of the United States * * * and to enable them to devote their entire energy to the military needs of the nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the continuance of the present war."

"PERSONS IN MILITARY SERVICE."

Sec. 101. (1) All Officers and enlisted men in Army, Navy, and Marine Corps, in active service, and members of sundry military and civil departments, when detailed to service under jurisdiction of the War or Navy Department.

PERIOD OF SERVICE.

Sec. 101. (2) The period of service shall terminate with date of discharge from active service or death, but in no case later than the date when this act ceases to be in force.

"This act shall remain in force until the termination of the war and for six months thereafter." However, some of its provisions may be further extended in full force and effect, if necessary to the due enjoyment thereof (see Sec. 603).

"PERSON."

Sec. 101. (3) "Person," as used in this Act with reference to the holder of any right against a person in military service or

against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other form of business association.

TERRITORIAL APPLICATION.

Sec. 102. This Act shall apply to the United States, all States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, and to proceedings commenced in any court therein, whether or not a court of record.

PERSONS SECONDARILY LIABLE.

Sec. 103. Any suspension, postponement, etc., may in discretion of court likewise be granted to sureties, guarantors, indorsers and others subject to the obligation or liability.

Judgment or decree vacated as to principal, who is in military service, may, in discretion of court, also be set aside or vacated as to surety, guarantor, indorser.

ARTICLE II.

GENERAL RELIEF.

Prevention of Judgment, by Default, against Soldiers; Indemnifying Bond.

Sec. 200 (1) If in any action or proceeding commenced in any court there shall be default of appearance by defendant, plaintiff, before entering judgment, shall file affidavit setting forth facts showing that defendant is *not* in military service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either (a) that defendant is in military service, or (b) that plaintiff is not able to determine whether or not defendant is in such service. If affidavit (a) is not filed, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent the defendant and protect his interest, and the court on application shall make such appointment. Unless it appears that defendant is not in such service, the court may require, as a consideration before judgment is entered, that plaintiff file a bond approved by the court conditioned to indemnify the defendant, if

in military service, against any loss or damage he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. Other proper orders may be entered.

PENALTY.

Sec. 200. (2) A maximum penalty of \$1000.00 fine or one year in jail, or both, is provided for the making or using of an affidavit required under this section, when affidavit is false or person using it knows it to be false.

APPOINTMENT OF ATTORNEY FOR ABSENT "SOLDIER."

Sec. 200. (3) If a person in military service does not personally appear in any action or proceeding to which he is a party, or is not represented by an attorney, the court may appoint an attorney to represent him, and in such case a like bond may be required and an order made to protect the rights of such person. But such attorney may not waive any right of the person for whom he is appointed or bind him by his acts. In other words, the Court affords the soldier the benefit of an attorney's services gratuitously, but the soldier cannot be held responsible for the actions of said attorney.

OPENING JUDGMENTS.

Sec. 200. (4) A judgment, rendered against any person in military service during the period of such service or within thirty days thereafter, where it appears that such person was prejudiced by reason of his military service in making his defense thereto, may, not later than ninety days after termination of such service, be opened by the court rendering it, if the defendant has a meritorious or legal defense to the action or part thereof. But the vacating of any such judgment shall not impair any right or title acquired by any bona fide purchaser for value under such judgment. This latter provision means that, if the property of a soldier should be sold in any proceeding while he is in military service, to an outside party buying in good faith, the soldier cannot invoke this Act to recover his property. But he may, in such case, obtain reimbursement for his loss through the bond provided by Sec. 200 (1), see above.

STAY OF ACTION.

Sec. 201. At any stage of an action by an against a person in military service commenced during the period of such service or within sixty days thereafter, it may, in the discretion of the court, on its own motion, and shall on application, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute his case or of defendant to conduct his defense is not materially affected by reason of his military service.

NO PENALTY BY REASON OF STAY.

Sec. 202. When an action or contract is thus stayed, no fine or penalty shall accrue by reason of failure to comply with the contract during the period of such stay. Where a person fails to perform an obligation, and a fine or penalty is incurred, a court may, on just terms, relieve against the fine or penalty if person who would suffer was in military service when penalty was incurred and if his ability to pay was thereby impaired.

STAY OF EXECUTION, ETC.

Sec. 203. In any action or proceeding in any court, commenced against a person in military service before or during the period of service, or within sixty days thereafter, the court may and on application shall, unless it considers that the ability of defendant to comply with the judgment or order, entered or sought, is not materially affected by reason of his military service:

- (1) Stay the execution, as provided in this Act; or
- (2) Vacate or stay any attachment or garnishment of property, money or debts, whether before or after judgment, as provided in this Act.

DURATION OF STAY.

Sec. 204. Any stay under this Act may, except as otherwise provided, be ordered for the period of military service and three months thereafter, or any part of such period, and subject to such terms as may be just. Furthermore, by provisions of Article VI, Secs. 602-603, hereof (explained hereinafter), under certain circumstances, a stay may be continued for a longer period than that stipulated above.

LIMITATIONS GENERALLY.

Period of Military Service Excluded.

Sec. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against a person in military service or his heirs or assigns. In other words, the "Statutes of Limitation," which usually provide that no suit or action, may be brought after the lapse of certain periods from the time when the proceeding first could have been initiated, shall not be operative either for or against the soldier, during the period of military service. For instance, in Virginia, a note cannot be sued upon more than five years after default in payment. And ordinarily if a soldier held a note over the five years allowed, the note would become unenforceable. But, by this Act, if three years, for example, of the five-year period are spent in military service, those three years will not be counted against the soldier.

ARTICLE III.

RENT, INSTALLMENT CONTRACTS, MORTGAGES.

*No Eviction or Distress Where Rent Is Less Than \$50.00
Per Month.*

Sec. 300. (1) No eviction or distress shall be made during the period of military service as to premises for which the agreed rent does not exceed \$50.00 per month, occupied chiefly by the wife, children or other dependents of a person in military service, except upon leave of court, granted upon application therefor, or granted in an action regarding the possession of the property.

STAY.

Sec. 300. (2) On any such application the court may and upon application shall, unless in its opinion the liability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act, or it may make such other order as may be just.

PENALTY.

Sec. 300. (3) Penalty for any person who knowingly takes

part in an eviction or distress otherwise than as provided in section 300 (1), is imprisonment not more than one year or fine not exceeding \$1,000.00 or both.

ALLOTMENT OF PAY TOWARD RENT.

Sec. 300. (4) The Secretary of War or Navy may order an allotment of pay of the person in military service, in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children or other dependents of such person. By this provision, the Government enables itself to see to it that the soldier, whose dependents may be housed in another's property without immediate recompense to the owner thereof, devotes a reasonable portion of his pay toward the satisfaction of this just debt.

PURCHASE, LEASE OR BAILMENT OF REAL ESTATE OR PERSONAL PROPERTY.

Sec. 301. No person, who or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to the purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment has entered military service, shall exercise any right or option under such contract to rescind or terminate it or to resume possession of the property for nonpayment of any installment falling due during the period of military service, except by action in court. And such "action" may be stayed under provisions of preceding articles. By this section of the Act, soldiers are assured that their homes, on which they have paid either a large or small portion of the purchase price; will not be taken away from their families, under the auctioneer's hammer. And the same protection is provided for the soldiers' furniture, bonds (which may represent his savings for years), and other personal property.

PENALTY

Sec. 301. (1a) The penalty for any person knowingly resuming possession of property otherwise than as above provided, is imprisonment for not more than one year or fine not exceeding \$1,000.00 or both.

REPAYMENT, STAY.

Sec. 301. (2) Upon hearing, court may order the repayment of prior installments or deposits, or any part thereof, as a condition of termination of contract or resuming possession of property, or may, in its discretion and shall on application, order a stay of proceedings as provided in this Act, unless in its opinion the ability of defendant to comply is not materially affected by military service, or it may make other equitable disposition of the case. This part of the Act gives the Court an indirect power, in its discretion, to relieve the soldier from an installment contract, which may have become very burdensome by reason of the war, and at the same time to have the soldier reimbursed for payments previously made, which would otherwise be lost to him.

MORTGAGE OR OTHER SECURITY ON REAL OR PERSONAL PROPERTY.

Sec. 302. (1) The provisions of this section shall apply only to obligations originating prior to date of approval of this Act (March 8, 1918) and secured by mortgage, trust deed or other security in the nature of a mortgage upon real or personal property, owned by a person in military service at the commencement of the period of such service and still owned by him. This section was enacted from the obvious purpose of preventing a soldier or others from turning the Moratorium Law into an instrument of fraud, after its passage, by making contracts of purchase and at the time relying upon this law or protection from usual consequences of default in payment.

STAY OR EQUITABLE DISPOSITION.

Sec. 302. (2) Upon hearing, the court may and on application shall, unless in its opinion the ability of defendant to comply with the terms of the obligation is not materially affected by such military service:

- (a) Stay the proceedings; or
- (b) Make other equitable disposition of the case.

SALE, CONFESSION OF JUDGMENT.

Sec. 302. (3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment, contained in any such obligation shall be valid if made during the

period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court. And it may be readily assumed that no court will take upon itself the responsibility of ordering any sale to satisfy judgment based upon such an instrument as a soldier's note, containing a stereotyped "confession of judgment," such as is usually found, practically concealed so far as the average man is concerned, in the maze of fine type used in most installment contracts.

ARTICLE IV.

INSURANCE.

Definitions.

Sec. 400. The term "policy" shall include any contract of life insurance on the straight premium or legal reserve plan. It shall also include any life insurance benefit arising out of membership in any fraternal or beneficial association. The term "policy" shall include the dues pertaining to such associations. The term "insurer" shall include any partnership, corporation or other form of association providing or securing insurance. It should be borne in mind however that the provisions of this Act do not apply to any policies of War Risk Insurance, issued by the Treasury Department of the United States.

TO WHOM BENEFITS OF THIS ARTICLE ARE APPLICABLE.

Sec. 401. The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form to be issued through the Bureau of War Risk Insurance, which bureau "shall issue through suitable military and naval channels a notice explaining the provisions of this Article." These forms are to be executed in duplicate, the original being sent to the insurance company and the copy to the War Risk Insurance Bureau. A separate set of forms (application and copy) are to be used for each policy on which relief is asked. These forms contain blanks for the chief facts in regard to the soldier, and the policy in question. They are to be signed by the soldier, whose signature is witnessed and attested by his Commanding Officer. They

contain a stipulation by the soldier whereby he agrees to such modification of the terms of the policy as may be necessary in order to conform to the provisions of this Act. The application also contains an agreement by the soldier for the United States to be reimbursed for any money advanced on account of unpaid premiums, out of the policy in event of death or maturity; or out of any cash surrender value of the policy, in the event that the soldier does not settle for any unpaid premiums within one year after the termination of his period of military service, or one year after end of the war, whichever date is the earlier. This form has already been prepared and is known as No. 718 and No. 718-A; copy of same is hereto attached. [Set out at end of article.]

AMOUNT AND KINDS OF POLICIES INCLUDED.

Sec. 402. The benefits of this Act shall be available to any person in military service in respect of policies of insurance in force under their terms up to but not exceeding an aggregate face value of \$5,000.00, irrespective of the number of policies held by such person or of the number of companies in which such policies are held, provided; that:

- (1) The contracts of insurance were made (or fraternal memberships initiated) and one or more premiums (or "dues") thereon paid before September 1st, 1917;
- (2) At the time application is made for the benefits of this Article, no premiums are due and unpaid for over one year;
- (3) At the time of application, there be not outstanding a policy loan or other indebtedness equal to or exceeding 50 per cent of the cash surrender value of the policy;
- (4) The policy does not contain a provision which, if the insured is in military service, either in this country or abroad, will render the policy void, voidable at the insurance company's option, of less face value, or will require payment of an additional premium (see section 414);
- (5) The policies are held in insurance companies or asso-

ciations which are required by law to maintain a reserve or which, if not so required, have made or shall make provision for the collection from all those insured in such company or association of a special premium to cover the War Risk of those persons—insured by it—who are in military service. (See sec. 415);

- (6) As stated before, this Article shall not apply to any policies issued by the Bureau of War Risk Insurance.

ACTION BY WAR RISK INSURANCE BUREAU UPON SOLDIER'S APPLICATION.

Sec. 403. The Bureau of War Risk Insurance shall compile and maintain a list of such persons in military service who have made application for the benefits of this Article and shall reject any applications:

- (1) Made by persons not in the military service;
- (2) In excess of the aggregate face value (\$5,000.00) allowed for each person in military service;
- (3) In respect of policies contrary to provisions of sections 402, 414 or 415 (see above).

NOTIFICATION OF BUREAU'S ACTION REGARDING APPLICATION.

Sec. 403. (cont'd.) Said Bureau shall immediately notify in writing the insurance company or association, and the "soldier" of every rejection or approval.

SELECTION OF POLICIES.

Sec. 404. Whenever any person in military service makes application for the benefits of this article in respect to a policy or policies of aggregate face value exceeding \$5,000.00, whether in one or more companies, and the applicant does not indicate any order of preference (this indication should be made by the soldier on the application blank. See sample hereto attached) the Bureau of War Risk Insurance shall reject such policies as have the lowest cash surrender value until the aggregate face value of the policies protected is not more than \$5,000.00. And wherever it may be necessary, in order to allow the soldier the maximum authorized protection, the Bureau shall direct the insurance company to

divide any policy into two separate policies. And the said Bureau shall immediately notify in writing the said insurance company and soldier of such selection.

BENEFITS CONFERRED BY THIS ARTICLE.

Sec. 405. *No policy*, which had not lapsed for non-payment of premium before the commencement of the period of military service of the insured (the soldier) and which has been brought within the benefits of this Act by duly executed and accepted application, *shall lapse or be forfeited for the non-payment of premiums during the period of the insured's military service or during one year after the expiration of such period.* Provided, that in no case shall this benefit extend for more than one year after the termination of the war.

REPORTS BY INSURANCE COMPANIES TO BUREAU.

Sec. 406. This section provides for detailed, itemized, verified reports, to be submitted monthly to the War Risk Insurance Bureau by each and every insurance company or association, to whom application has been made for benefits of this article; said reports setting forth the names and policy facts of every person who has applied for these benefits; premiums due and unpaid by applicants; premiums, previously reported unpaid, but subsequently paid by applicants; the difference between the totals of the two preceding classes; the balance, after deducting from this difference the total amount of premiums unpaid on policies rejected by the Bureau—this last result being the net "monthly difference."

VERIFICATION OF INSURANCE COMPANY'S REPORTS BY BUREAU.

Sec. 407. The War Risk Insurance Bureau shall verify the computation and report of this monthly difference and certify the same, as corrected, to the Secretary of the Treasury.

BONDS FOR UNPAID PREMIUMS DELIVERED TO INSURANCE COMPANIES.

Sec. 408. The Secretary of the Treasury shall, within 10 days of receipt of the verified monthly difference report, deliver over to each insurance company United States Bonds in the amount of

that multiple of \$100.00 nearest to the monthly difference. The insurance companies shall be entitled to the interest upon said bonds. If the insurance company is found to be insolvent, all obligations of the Government as to future premiums shall cease.

MUTUAL INDEMNIFICATION OF INSURANCE COMPANY AND UNITED STATES.

Sec. 409. The bonds so delivered shall be held by the respective insurance companies as security for payment, with interest, of the defaulted premiums.

To indemnify it against loss, the United States shall have first lien upon any policy receiving the benefits of this article, subject only to any lien existing at time the policy became subject to this Act; and no loan, settlement or payment of dividend on such policy shall be made which will prejudice the government's security, or without the written consent of the War Risk Insurance Bureau.

LAPSE OF POLICIES NOT PAID UP BY ONE YEAR AFTER LEAVING SERVICE.

Sec. 411. Any policy, protected by this Article, upon which all past due premiums with interest as provided in said policy, are not paid within one year after termination of the insured's military service or within one year after termination of the war—whichever time be the sooner—shall lapse and be forfeited and the insurance company shall pay over any cash surrender value, if any remains above amount due as aforesaid for past due premiums and interest.

FINAL SETTLEMENT BETWEEN UNITED STATES AND INSURANCE COMPANIES.

Secs. 412-413. At the expiration of one year after the termination of the war, upon the surrender of all bonds by the insurance company to the United States, the latter will pay over to the former the balance due on account of unpaid premiums, with interest at the rate provided for in the policies concerned, as shown by account stated of final difference, computed similarly to method of ascertaining monthly difference.

SETTLEMENT OF INDEBTEDNESS BY SOLDIER.

Although the Act does not in any place specifically provide for

time and manner in which soldier is to make settlement for any premiums which he has not paid on policies brought within the benefits of this Article, as above—nevertheless by reference to Sec. 411 and to the agreement in the application the following conclusions appear to be proper:—For any premiums unpaid by the soldier, he must make payment in one of the following ways:

- (1) Direct to the insurance company, the amount being the premiums, plus whatever interest is stipulated in the policy for loans.
 - (a) In case of such payment, the fact would be shown on the insurance company's next monthly Report to the War Risk Insurance Bureau, thus protecting the soldier's account against duplication (See Sec. 406).
- (2) To the United States—by his death—out of the proceeds of the policy—the amount to be paid in this case being the unpaid premiums, plus 5 per cent interest per annum. (See agreement on application blank.)
- (3) To the United States, out of the proceeds in case the policy matures before one year after the termination of the war or the insured's military service. (See agreement on application blank.)
- (4) To the United States, out of the cash surrender value of the policy—which will lapse if the premiums are unpaid when one year has elapsed after the termination of the war or the insured's military service. (See Sec. 411, and agreement on application blank.)

ARTICLE V.

TAXES AND PUBLIC LANDS.

Application. Real Property.

Sec. 500. (1) The provisions of this section apply when any taxes or assessments, falling due during period of military service in respect of real property owned and occupied, whether for dwelling or business purposes, by person in military service or

his dependents at the commencement of his service and still so occupied by the dependents or employees, are not paid.

NO SALE OF DELINQUENT REAL PROPERTY.

Sec. 500. (2) When any person in military service or any person in his behalf shall file with the collector of taxes an affidavit showing an unpaid tax or assessment, and that by reason of such military service the ability of such person to pay is materially affected, no sale of such property shall be made to enforce such tax or assessment except upon leave of court granted on application. The court may thereupon stay such sale for not more than six months after termination of war.

REDEMPTION.

Sec. 500. (3) When by law such property may be sold or forfeited for delinquent taxes, such person in military service shall have right to redeem at any time not later than six months after termination of the war. By this section, the power of the rightfully despised "land grabber" is effectually curtailed.

INTEREST BUT NO PENALTY.

Sec. 500 (4) Taxes and assessments, not paid when due, shall bear interest until paid, *but no other penalty or interest shall be incurred*. In the majority of states, non-payment of taxes is followed by imposition of heavy penalties; besides the regular interest. These penalties are usually cumulative and recurrent, so that a delay of any considerable period in tax payment often would make the soldier liable for far more than the original amount, were it not for the protection afforded by this section.

PUBLIC LANDS.

Sec. 501. No right to any public lands, initiated or acquired prior to military service by any person under the homestead, desert-land or other laws of the United States, shall be forfeited or prejudiced by reason of his absence from such land or his failure to improve such land or his failure to perform work or make improvements or do any other act required during the period of such service.

ARTICLE VI.

ADMINISTRATIVE REMEDIES.

Fraudulent Use of This Act Prevented.

Sec. 600. If, in any proceeding, the court is satisfied that any interest, property or contract has, since the date of approval of this Act (March 8, 1918), been transferred or acquired with intent to delay the just enforcement of such right, by taking advantage of this Act, the court shall make such order or enter such judgment as might lawfully be made or entered, had this Act not been enacted.

Certification of Service.

Sec. 601. (1) In any proceeding under this Act, the Adjutant General of the Army, the Chief of the Bureau of Navigation of the Navy, the Major General-Commandant of the Marine Corps, or any officers designated by them for the purpose, may sign a certificate which shall be accepted as prima facie evidence of the pertinent facts regarding the military service of any person at that time or previously on active duty in their respective departments.

DEATH OF SOLDIER NOT PRESUMED FROM REPORT AS "MISSING."

Sec. 601. (2) For the purpose of determining any period, which begins or ends, in this Act, with the death of any person in military service, such period shall not be deemed to have actually begun or ended unless and until the death of such person is actually reported to or found by the Department of War or Navy, or any court or board thereof or until found by a court of competent jurisdiction.

Provided, that the foregoing provision shall in no case extend any period beyond six months after the termination of the war.

INTERLOCUTORY ORDER OF COURT REVOKED, MODIFIED OR EXTENDED.

Sec. 602. Any interlocutory order, made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it, upon such notice to the parties affected as it may require.

This section permits the court, which made an order that was just, at the time, to revoke or modify the same in order to meet the ends of justice under subsequently changed conditions or circumstances; or, in case the propriety and justice of the case warrant, to extend the operative period of any relief order beyond that time fixed by this Act, or by the court's previous order.

DURATION OF THE ACT.

Sec. 603. This Act shall be in force until the termination of the War and six months thereafter.

Provided, that wherever by this Act, or by any section or provision thereof, any proceeding, remedy, privilege, stay, limitation, accounting, or other transaction is authorized—the due exercise or enjoyment of which may extend beyond the period fixed above for the termination of this Act—such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of the proceeding, remedy, privilege, stay, limitation, accounting or transaction aforesaid.

Of course, the governing factor of the foregoing provision—viz.:—how long the extension may be necessary to the “due exercise and enjoyment,” etc.—would be a matter for the determination of the court, in the exercise of its sound discretion.

VIRGINIA STATE MORATORIUM LEGISLATION.

While the Federal Moratorium Act is very broad in jurisdiction, territorial application, and provisions, nevertheless it does not embrace criminal proceedings in any court, State or Federal. It is interesting to note however that the Legislature of the State of Virginia has passed a law, approved by the Governor on March 16, 1918 (just eight days subsequent to approval of the Federal Act), which provides that any proceeding, civil or criminal, in which it appears that a party thereto, having a substantial interest in such proceeding, is engaged in the military or naval forces of the United States in the present war, shall be continued while such party is so engaged. An emergency having been declared, the Act has been in force from date of its passage.

In conclusion, it is encouraging to reflect that, with the Federal

and State laws protecting his rear from unfair, unjust, or treacherous attacks, the American Soldier, heart-happy, mind free from worry, and soul determined, may face the foe and bend his every energy to the great task in hand.

JOHN J. WICKER, JR.,

Master Electrician, Air Service,

Sergeant Major—499th Aero Squadron.

Langley Field, Hampton, Va.

July 15, 1918.

RULES FOR APPLICATION.

1. The benefits of the Soldiers' and Sailors' Civil Relief Act are extended to those in the military and naval service, as defined in Section 101 of the Soldiers' and Sailors' Civil Relief Act.

2. The policies of insurance, under which relief is granted, must have been issued and had at least one premium paid thereon prior to September 1, 1917.

3. Such policies of insurance must have been issued by a life insurance company or association which is required by law to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured of a premium to cover the special war risk of that portion of those insured persons who are in military service.

4. Relief will not be granted under policies upon which premiums are due and unpaid for a period of more than one year at the time when application for such relief is made.

5. Relief will not be granted under any policy on which there is outstanding a policy loan or other indebtedness equal to, or greater than 50 per cent of the cash surrender value of the policy.

6. Relief will not cover over \$5,000 of face value of policies.

7. Relief will not cover a policy which is void or which may at the option of the insurer be voidable, if the insured is in military service, either in this country or abroad, nor any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

8. The Soldiers' and Sailors' Civil Relief Act does not apply to insurance issued by the Bureau of War Risk Insurance, Treasury Department.

(See forms following)

TREASURY DEPARTMENT
BUREAU OF WAR RISK INSURANCE
Division of
Military and Naval Insurance
Form 718a

APPLICATION.

Application for Relief under the Soldiers' and Sailors' Civil Relief Act.

Use a separate set (application and copy) for each policy or certificate under which you are asking relief.

Send this application to the Life Insurance Company, Association or Fraternal Society.

To
(State here the name of the company, association or society
in which you are insured)

Address of its Head Office.....

My full name is.....
(Given) (Middle) (Last name)

Home address.....
(Number of street or rural route) (City, town, or post office) (State)

Date of birth.....
(Month) (Day) (Year)

Date of last enlistment or Army or
entry into active service..... Navy Service number.....
(Give month, day, and year)

My policy number is..... The amount of the policy is \$.....

I pay premiums to.....

Located at.....
(Street) (City) (State)

The name of my lodge is..... Number.....
(If policy is a fraternal certificate)

Located at
(Street) (City) (State)

The beneficiary, under this policy, is..... Relationship.....
(Name of beneficiary) (Relationship to insured)

The address of the beneficiary is.....
(Street) (City) (State)

This policy is held by.....

Whose address is.....
(Street) (City) (State)

I have not borrowed on this policy, excepting as follows:

The amount borrowed is \$.....

I have borrowed from.....

Address
(Street) (City) (State)

I have not assigned this policy, excepting as follows:

The assignment is to.....

Whose address is.....
(Street) (City) (State)

I hereby apply for the benefits of Article IV of the Soldiers' and Sailors' Civil Relief Act, with reference to the above-described insurance on my life. This application is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of such article.

I agree that the United States shall be reimbursed for any money advanced on account of unpaid premiums on the above policy (with interest at the rate of 5 per cent per annum), out of the above policy, in the event of death or maturity, and out of any cash value, in the event such premiums are not paid within one year after the termination of the present war or the termination of my period of military service, whichever date is the earlier.

Signed at (on board)..... (Sign here)
The day of 191.....

Witnessed by: (Rank or rating)

Rank (Rank or Rating)
 Commanding (Organization)

TREASURY DEPARTMENT
BUREAU OF WAR RISK INSURANCE
Division of
Military and Naval Insurance
Form 718

COPY OF APPLICATION.

Copy of Application for Relief under the Soldiers' and Sailors' Civil Relief Act.

Use a separate set (application and copy) for each policy or certificate under which you are asking relief.

Send this copy to the Insurance Section, Bureau of War Risk Insurance Treasury Department, Washington, D. C.

To
(State here the name of the company, association or society
in which you are insured)

Address of its Head Office.....

My full name is.....
(Given) (Middle) (Last name)

Home address.....
(Number of street or rural route) (City, town, or post office) (State)

Date of birth.....
(Month) (Day) (Year)

Date of last enlistment or Army or
entry into active service..... Navy Service number.....
(Give month, day, and year)

My policy number is..... The amount of the policy is \$.....

I pay premiums to.....

Located at.....
(Street) (City) (State)

The name of my lodge is..... Number.....
(If policy is a fraternal certificate)

Located at
(Street) (City) (State)

The beneficiary, under this policy, is..... Relationship.....
(Name of beneficiary) (Relationship to insured)

